

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TERRY HAGGERTY,

Plaintiff,

Case No. 23-cv-1532-pp

v.

PACIFIC SANDS, INC., *et al.*,

Defendants.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANTS' MOTION TO
DISMISS (DKT. NO. 13)**

On February 2, 2024, the defendants filed a motion to dismiss the complaint citing various federal and state rules and statutes, among them Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Dkt. No. 13.

Under Civil Local Rule 7(b) (E.D. Wis.), if the plaintiff wishes to oppose the motion he must do so within twenty-one days—that is by February 23, 2024. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that he has another option—he may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by February 23, 2024 the plaintiff must file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 5th day of February, 2024.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge